



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 21, 1995

Mr. Gilbert D. Douglas  
Senior Assistant City Attorney  
Legal Department  
City of Houston  
P.O. Box 1562  
Houston, Texas 77251-1562

OR95-1260

Dear Mr. Douglas:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 28030.

The City of Houston (the "city") received a request for information concerning the Houston Police Department's computer systems. You contend the requested information is excepted from required public disclosure under section 552.108 of the Government Code. You have submitted for our review documents marked as exhibits B through K.<sup>1</sup> We will address each exhibit in turn.

Section 552.108 provides as follows:

- (a) A record of a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from [required public disclosure].
- (b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from [required public disclosure].

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<sup>1</sup>We note that you have also submitted a copy of the United States Department of Justice, Federal Bureau of Investigation's Uniform Crime Reporting Handbook. We understand that the city has been informed by the Federal Bureau of Investigation that the handbook is considered public information and that the city will therefore release this information to the requestor. Accordingly, the handbook is not at issue in this request.

Generally, when the law enforcement exception is claimed for internal records of a law enforcement agency, the agency claiming it must reasonably explain, if the information does not supply the explanation on its face, how release would unduly interfere with law enforcement. Open Records Decision No. 531 (1989) at 2 (citing *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977)). Whether information falls within section 552.108 must be determined on a case-by-case basis. Open Records Decision Nos. 434 (1986) at 2, 287 (1981) at 2.

Exhibits B and C are the Houston Police Academy's computer manuals. The city submitted an affidavit from Bobby E. Camp, the Director of Information Services for the Houston Police Department (the "department"), concerning the release of the requested information. Mr. Camp makes an in-depth argument demonstrating how release of the manuals would unduly interfere with law enforcement and crime prevention by creating the security risk of unauthorized access to the departments computers. Accordingly, the city may withhold Exhibits B and C under section 552.108 of the Government Code.

Exhibits D and D(1) consist of two documents relating to the standard operating procedures for the entry of incident reports and incident report codes. We have reviewed the information. We do not believe the "ways" in which incident reports are entered reveal information that would unduly interfere with law enforcement or crime prevention nor does Mr. Camp make more than general allegations. You may not withhold this information under section 552.108.

Exhibit E consists of three interagency memorandums concerning special coding for certain crimes. Mr. Camp presents a specific example of how the release of this information would unduly interfere with law enforcement and crime prevention. We agree that release of the highlighted information may be withheld under section 552.108.

Exhibits F, G, and H, however, also relate to the special coding of certain crimes, but contain very generalized information. We do not believe that releasing this information would facilitate access to the department's computer system or provide information that could be used by criminals to avoid detection, capture, and prosecution. Moreover, Mr. Camp makes only generalized claims concerning this information, not a specific example of how the release of the information would unduly interfere with law enforcement and crime prevention. You may not withhold this information.

Exhibit I contains the department's policy and enforcement guidelines for the juvenile curfew ordinance. Although we do not believe the general statements contained in the policy statement reveals information that is not discernible from the ordinance itself, we agree that the information you have marked on the enforcement guidelines could be used to deter a peace officer. Accordingly, you may withhold the marked information in the enforcement guidelines.


Exhibits J and K are interagency memoranda concerning reporting procedures and statistics. Although you claim the memoranda are excepted by sections 552.108 and 552.111, you do not indicate how or why their release would unduly interfere with law enforcement or crime prevention. You may not, therefore, withhold these documents under section 552.108.

Section 552.111 excepts from disclosure "[a]n interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency." However, section 552.111 excepts from public disclosure only those internal communications consisting of advice, recommendations, opinions, and other material reflecting the policymaking processes of the governmental body at issue. Open Records Decision No. 615 (1993) at 5 (copy enclosed). The policymaking functions of an agency do not encompass routine internal administrative and personnel matters. *Id.* Furthermore, section 552.111 does not except purely factual information from disclosure. *Id.*

Although the documents may contain advice, recommendations, and opinions, they concern routine internal administrative procedures. You may not, therefore, withhold these documents under section 552.111.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay  
Assistant Attorney General  
Open Records Division

LRD/LBC/rho

Ref.: ID# 28030

Enclosures: Open Records Decision No. 615 (1993)  
Submitted documents

cc: Mr. Bryan Denson  
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(w/o enclosures)